

1 COOLEY LLP
BOBBY A. GHAJAR (198719)
2 bghajar@cooley.com
1333 2nd Street, Suite 400
3 Santa Monica, California 90401
Telephone: (310) 883-6400
4 Facsimile: (310) 883-6500

5 COOLEY LLP
6 BRIAN J. FOCARINO (305382)
bfocarino@cooley.com
7 500 Boylston Street, 14th Floor
Boston, MA 02118
8 Telephone: (617) 937-2347
9 Facsimile: (617) 937-2400
Attorneys for Plaintiff
10 *ORIGIN MATERIALS OPERATING, INC.*

11 LEWIS BRISBOIS BISGAARD & SMITH LLP
JONATHAN S. PINK (179685)
12 Jonathan.pink@lewisbrisbois.com
13 DANIEL C. DECARLO (160307)
633 West 5th Street, Suite 4000
14 Los Angeles, California 90071
Telephone: (213) 250-1800
15 Facsimile: (213) 250-7900
Attorneys for Defendant
16 *BLUETRITON BRANDS, INC.*

17
18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 ORIGIN MATERIALS OPERATING, INC.,
21 Plaintiff,
22 v.
23 BLUETRITON BRANDS, INC.,
24 Defendant.

Case No. 4:22-cv-09138-HSG

**STIPULATION AND ORDER TO
EXTEND MEDIATION,
DISCOVERY CUT-OFF, AND CASE
SCHEDULE**

Complaint filed: December 28, 2022

1 Plaintiff Origin Materials Operating, Inc. (“Plaintiff” or “Origin”) and Defendant BlueTriton
2 Brands, Inc. (“Defendant” or “BlueTriton”) submit this stipulation to extend the mediation deadline,
3 discovery cut-off, and related deadlines. Due to travel, case and trial conflicts, scheduling, and
4 ongoing discovery, the Parties request a brief continuance to allow them to schedule a mediation,
5 and briefly continue the case deadlines by approximately eight (8) weeks. The Parties hereby
6 stipulate as follows:

7 WHEREAS, Origin filed its Complaint in this case on December 28, 2022, and Defendant
8 answered on March 23, 2023 (Dkt. Nos. 1 and 15).

9 WHEREAS, the Court set a schedule, as outlined below, with various case deadlines,
10 including a mediation deadline of August 10 (Dkt. Nos. 22 and 23) and various case deadlines,
11 including the discovery cut-off, summary judgment deadlines, and trial.

12 WHEREAS, since discovery opened in this case, the Parties have served and answered
13 several sets of written discovery. Origin has made its first production of documents, and Defendant
14 expects to do the same shortly, and both sides continue to review documents for production.

15 WHEREAS, the Parties intend to take various depositions, but due to the status of document
16 production, have not yet scheduled those depositions, and need additional time to do so.

17 WHEREAS, the Parties have been meeting-and-conferring on discovery disputes, but none
18 are yet ripe to bring to the Court’s attention; thus, the proposed extension of time would allow the
19 Parties to continue to meet-and-confer in an effort to avoid burdening the Court with discovery
20 motion practice.

21 WHEREAS, the Parties are in the process of identifying a mutually-agreeable mediator and
22 scheduling a mediation, but need additional time to (i) clear conflicts with a suitable mediator; (ii)
23 schedule the mediation for a date that works for the Parties and their counsel; and (iii) prepare for
24 the mediation. The Parties have already exchanged a list of potentially agreeable mediators. As
25 such the Parties intend to do so by September 28, approximately a seven (7) week extension.

26 WHEREAS, counsel has various conflicts in September and October, which also impacts
27 the ability to conduct an earlier mediation.
28

WHEREAS, given the need to reschedule the mediation to late-September, summer travel schedules, and counsels' other conflicts, the Parties request a commensurate continuance of the discovery cut-off to complete written discovery and deposition discovery. That, in turn, necessitates a continuance of the latter case deadlines (proposed below).

WHEREAS, the Parties' counsel have met, conferred, and – subject to the Court's approval – agreed upon the following schedule for this action, modifying the schedules set forth in Dkt. Nos. 22 and 23.

NOW THEREFORE, the Parties hereby stipulate that:

1. The deadline to conduct mediation shall be continued to September 28, 2023.
2. There shall be an eight (8) week extension of all discovery (including all fact discovery, expert discovery, and dispositive motion deadlines) and other case deadlines. The Parties are open to alternative dates as to those following the extended discovery cut-off dates.
3. The proposed schedule is as follows:

Event	Proposed Extended Deadline
ADR Deadline	September 28, 2023
Fact Discovery Closes	December 7, 2023
Expert Reports	December 7, 2023
Rebuttal Expert Reports	January 11, 2024
Expert Discovery Closes	January 25, 2024
Deadline to File Dispositive Motions and Daubert Motions	February 15, 2024
Hearing Regarding Dispositive Motions and Daubert Motions	March 28, 2024, at 2:00 p.m.
Parties Exchange Final Witness Lists (including lay and expert witness statements), Final Deposition Designations, Final Exhibit Lists and one copy of all exhibits, Proposed Jury Instructions, Proposed Jury Verdict Forms	April 4, 2024
Parties Exchange Objections to Witness Lists, Objections to Deposition Designations, Objections to Exhibits, Objections to Jury Instructions, Objections to Jury Verdict Forms, Rebuttal Deposition Designations	April 11, 2024
Parties Exchange Objections to Rebuttal Deposition Designations	April 18, 2024

Deadline to File Pretrial Statement, Deadline to File Motions in Limine, Deadline to file proposed questions for Voir Dire, proposed Verdict Forms, joint preliminary statement to be read to the jury, joint set of jury instructions (including agreed and contested instructions)	April 25, 2024
Deadline for Parties to Make Good Faith Effort to Stipulate to Admissibility of Exhibits	April 25, 2024
Deadline to File Oppositions to Motions in Limine	May 16, 2024
Deadline for Parties to meet and confer regarding agreed-upon resolution of any objections	May 23, 2024
Deadline for any party wanting daily transcript or realtime reporting to make arrangements with Court Reporter Supervisor	May 23, 2024
Pretrial Conference	June 25, 2024, at 3:00 p.m.
Deadline to Provide Three Sets of Exhibits to Court	July 2, 2024
Jury Trial (5 days)	July 15, 2024, at 8:30 a.m.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Respectfully submitted,

Dated: August 15, 2023

By: /s/ Bobby A. Ghajar
BOBBY A. GHAJAR

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BOBBY A. GHAJAR (198719)
bghajar@cooley.com
1333 2nd Street, Suite 400
Santa Monica, California 90401
Telephone: (310) 883-6400
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bfocarino@cooley.com
500 Boylston Street, 14th Floor
Boston, MA 02118
Telephone: (617) 937-2347
Facsimile: (617) 937-2400

Attorneys for Plaintiff
ORIGIN MATERIALS OPERATING, INC.

1 Dated: August 15, 2023

2 By: /s/ Jonathan S. Pink
JONATHAN S. PINK

3 LEWIS BRISBOIS BISGAARD & SMITH LLP
4 JONATHAN S. PINK (179685)
Jonathan.pink@lewisbrisbois.com
5 DANIEL C. DECARLO (160307)
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Los Angeles, California 90071
7 Telephone: (213) 250-1800
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9 Attorneys for Defendant
BLUETRITON BRANDS, INC.

10
11 **ATTESTATION PURSUANT TO CIV. L. R. 5-1(i)(3)**


12 I hereby attest that concurrence in the filing of this document has been obtained from
13 counsel of record for the Defendant.

14
15 Dated: August 15, 2023

16 By: /s/ Bobby A. Ghajar
17 BOBBY A. GHAJAR (198719)
Attorneys for Plaintiff
18 ORIGIN MATERIALS OPERATING, INC.

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23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 DATED: 8/17/2023

25 
26 HON. HAYWOOD S. GILLIAM, JR.
27 UNITED STATES DISTRICT JUDGE
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